

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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PLATYPUS WEAR, INC. dba BAD BOY
BRANDS,

Plaintiff(s),

v.

BB BUGGIES, INC.,

Defendant(s).

Case No. 2:14-CV-93 JCM (GWF)

ORDER

Presently before the court is plaintiff Platypus Wear, Inc.'s motion to dismiss. (Doc. # 16). Defendant BB Buggies, Inc. filed a response (doc. # 20) and plaintiff filed a reply (doc. # 21).

On July 14, 2014, plaintiff filed a motion seeking to dismiss defendant's counterclaim for intentional interference with contractual relations. (Doc. # 16). On July 29, 2014, defendant filed an amended counterclaim that omitted that cause of action. (Doc. # 17).

An amended complaint supersedes the original pleading, making it "non-existent." *Valadez-Lopez v. Chertoff*, 656 F.3d 851,857 (9th Cir. 2011). If a litigant files an amended pleading, then motions to dismiss the original complaint are mooted without prejudice. *Johnson v. Cheryl*, No. 2:11-cv-00291-JCM-CWH, 2013 WL 3943606, at *2 (D. Nev. July 29, 2013). Therefore, plaintiff's motion to dismiss is now moot.

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IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiff Platypus Wear, Inc.'s motion to dismiss (doc. #16) be, and the same hereby is, DENIED without prejudice as moot.

James C. Mahan
UNITED STATES DISTRICT JUDGE